

EXHIBIT NO. 3
DATE 1/15/09
BILL NO. SB 145

From: Heisel, Leanne <lheisel@mt.gov>
To: 'ricklaible@aol.com' <ricklaible@aol.com>
Subject: RE: SB-185 ~~SB-185~~
Date: Wed, 14 Jan 2009 2:41 pm

Sen. Laible,

There is no equivalent national code that I know of that addresses fire mitigation in the wildland-urban interface. It's developed by the International Code Council and the code and its periodic updates are recognized by building standards folks as a reputable authority. I have a copy of it and I'll drop one by your office this afternoon.

The DNRC is required to develop the best practices for development in the WUI through rulemaking under 76-13-104 -- see subsection (8) below. They started the process last year, engaged numerous stakeholders, and it got hung up, so they did not meet the Oct. 1 2008 deadline, but they are continuing to work on it.

76-13-104. Functions of department -- rulemaking. (1) The department has the duty to ensure the protection of land under state and private ownership and to suppress wildfires on land under state and private ownership. No fees may be collected for this purpose except fees provided for in 76-13-201.

(2) (a) The department shall adopt rules to protect the natural resources of the state, especially the natural resources owned by the state, from destruction by fire and for that purpose, in declared emergencies, may employ personnel and incur other expenses when necessary.

(b) The department may adopt and enforce reasonable rules for the purpose of enforcing and accomplishing the provisions and purposes of part 2 and this part.

(3) The duty imposed on the department under this section is not exclusive to the department and does not absolve private property owners or local governmental fire agencies organized under Title 7, chapter 33, from any fire protection or suppression responsibilities.

(4) The department may give technical and practical advice concerning forest, range, water, and soil conservation and the establishment and maintenance of woodlots, windbreaks, shelterbelts, and fire protection.

(5) The department shall cooperate with all public and other agencies in the development, protection, and conservation of the forest, range, and water resources in this state.

(6) The department shall establish and maintain wildland fire control training programs.

(7) The department shall appoint firewardens in the number and localities that it considers necessary, subject to confirmation by the local county government, and shall adopt rules prescribing the qualifications and duties of firewardens that are in addition to those provided in 76-13-116.

(8) By October 1, 2008, the department shall adopt rules addressing development within the wildland-urban interface, including but not limited to:

(a) best practices for development within the wildland-urban interface; and

(b) criteria for providing grant and loan assistance to local government entities to encourage adoption of best practices for development within the wildland-urban interface.

Let me know if you need anything else.

Leanne

From: ricklaible@aol.com [mailto:ricklaible@aol.com]
Sent: Wednesday, January 14, 2009 2:21 PM
To: Heisel, Leanne
Subject: SB-185

Leanne:

Question was asked in committee regarding (2) (a) and (b)-

Where do these standards come from, why international (don't we have a national code), and who develops the best practices for development.

Thanks for the help.



Exhibit 3

**This exhibit is a book
entitled:**

**International Wildland –
Urban Interface Code**

**The front cover and table
of content are scanned to
aid in your research.**

**The original exhibits are
on file at the Montana
Historical Society and
may be viewed there.**

**Montana Historical Society
Archives**

225 N. Roberts

Helena MT 59620-1201

Phone (406) 444-4774

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INTERNATIONAL WILDLAND- URBAN INTERFACE CODE™

2006

TABLE OF CONTENTS

CHAPTER 1 ADMINISTRATION..... 1

Section

101	General	1
102	Authority of the Code Official	1
103	Compliance Alternatives.....	2
104	Appeals	2
105	Permits	2
106	Plans and Specifications	4
107	Inspection and Enforcement	4
108	Certificate of Completion	5

CHAPTER 2 DEFINITIONS..... 7

Section

201	General	7
202	Definitions	7

CHAPTER 3 WILDLAND-URBAN INTERFACE AREAS 9

Section

301	General	9
302	Wildland-Urban Interface Area Designations.....	9

CHAPTER 4 WILDLAND-URBAN INTERFACE AREA REQUIREMENTS 11

Section

401	General	11
402	Applicability	11
403	Access	11
404	Water Supply.....	12
405	Fire Protection Plan.....	13

CHAPTER 5 SPECIAL BUILDING CONSTRUCTION REGULATIONS . 15

Section

501	General	15
502	Fire Hazard Severity	15
503	Ignition-resistant Construction	15
504	Class 1 Ignition-resistant Construction.....	15
505	Class 2 Ignition-resistant Construction.....	17
506	Class 3 Ignition-resistant Construction.....	17
507	Replacement or Repair of Roof Coverings.....	18

CHAPTER 6 FIRE-PROTECTION REQUIREMENTS..... 19

Section

601	General	19
602	Automatic Sprinkler Systems	19
603	Defensible Space.....	19
604	Maintenance of Defensible Space.....	20
605	Spark Arresters	20
606	Liquefied Petroleum Gas Installations	20
607	Storage of Firewood and Combustible Materials	20

CHAPTER 7 REFERENCED STANDARDS 21

APPENDIX A GENERAL REQUIREMENTS..... 23

Section

A101	General	23
A102	Vegetation Control	23
A103	Access Restrictions.....	24
A104	Ignition Source Control.....	24
A105	Control of Storage.....	25
A106	Dumping	25
A107	Protection of Pumps and Water Storage Facilities.....	25
A108	Land Use Limitations	26
A109	Referenced Standards	26

APPENDIX B VEGETATION MANAGEMENT PLAN 27

Section

B101	General	27
------	---------------	----

APPENDIX C FIRE HAZARD SEVERITY FORM..... 29

APPENDIX D FIRE DANGER RATING SYSTEM..... 31

APPENDIX E FINDINGS OF FACT..... 35

APPENDIX F CHARACTERISTICS OF FIRE-RESISTIVE VEGETATION 39

APPENDIX G SELF-DEFENSE MECHANISM..... 41